

GERADE IS GUILTY.

The Child Murderer Calmly Receives the Jury's Verdict.

FAST WORK IN CRIMINAL COURT.

An Interesting Injunction Case Comes From Willow Grove.

GENERAL COURT NEWS OF INTEREST

Frank Gerade was convicted yesterday of murder in the first degree for the killing of his step-child. In view of the weight of the testimony produced at the second trial the verdict was considered by many as a most remarkable one, and it was almost the unanimous opinion of those who had been close observers throughout the trial that the verdict was entirely due to one point raised by District Attorney Burleigh in his prosecution. The keynote of his argument to the jury was that if the jury would find that Gerade was so deranged at the time he committed the murder as not to be able to comprehend the consequences of his act, they could acquit him, but otherwise they must convict. Judge Ewing did not dispute this in his charge.

The charge was delivered at the opening of the court. Judge Ewing seemed worried when he went into court, and admitted to the jury that he was "I have never tried a homicide case," said he, "that has given me so much worry. It troubled my sleep last night." In his charge he was rather careful not to express an opinion, but said the case was so peculiarly important that he wanted the jury to draw its own conclusion.

The jury retired at 10:30. At 2:45 they sent word into court that they had agreed upon a verdict. The defendant was brought in; J. Charles Dickson, one of his attorneys was also present. The defendant was ordered to stand while the jury rendered the verdict. Gerade arose slowly and fixing his eyes upon the cradle, upon which he had beaten out the brains of his stepchild, he stared steadily during the reading of the verdict. As the final words were spoken by the foreman, seating for the second time Gerade's doom, a perceptible flush crept over his face and he gently knitted his eyebrows, but not muscle moved. He did not seem half so surprised at the verdict as did the majority of the spectators, who rather anticipated that the plea of insanity had proven of sufficient weight to acquit the defendant.

In discharging the jury, Judge Ewing said: "Gentlemen, I have no recollection of a term in which so many cases have been tried, and especially so many homicides. Quite a number were thrown into this term by circumstances over which we had no control. The juries are to be congratulated for handling many of the cases with unusual promptness, and you are now discharged with the thanks of the Court."

Divorced From Bed and Board.

A divorce from bed and board with alimony was granted yesterday in the case of Mrs. Zessel Mozersky against Aaron Mozersky. Mrs. Mozersky is allowed \$20 a month alimony until a reconciliation shall take place - she shall by petition offer to receive her and use her as good husband should, when the Court will suspend or annul the decree. Ill-treatment was the allegation in the case. But a few days ago Mozersky's son was appointed guardian of his two other sons, minors, in spite of the father's opposition.

A Defiant Bank Sued.

An argument was heard before Judges White and Magee yesterday morning in the case of S. A. Robinson against the American Bank and the members of that association as individuals. The bank was organized in 1868, and became insolvent and went out of business several years ago. Robinson deposited \$21,000 in the bank in 1871, and the suit is to recover it. The action is against the members of the copartnership, as it is termed, to recover from them as individuals the amount claimed. Among the defendants were included members of the partnership who withdrew when it was in good condition, before the failure. General George C. Jenks represented the plaintiffs. The defendants were represented by M. A. Woodward, George Thomas and others. At the conclusion of the argument the Court took the papers.

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TO RESTRAIN THE DRILLERS.

An Interesting Case Comes Up From Willow Grove—Property Protected.

In the Court of Common Pleas No. 2, J. W. Kinnear yesterday filed a bill in equity and asked for an injunction in behalf of the Arlington Lodge, Knights of Pythias, to restrain W. R. Burson, A. Leam and Samuel McKinney from drilling an oil well on a lot adjoining the one on which the Knights propose to build a hall in the town of Willow Grove. The court refused the injunction but granted all the plaintiffs expected, viz., an order that defendants give bond to secure plaintiffs from loss in the case of fire or other injury. The contractor, a man named McEwen, had commenced work but refused to go on unless indemnified in case of fire, and the probability is that the well will be drilled. Judge Brodin opposed the bill.

An interesting question arises which has never been settled in this State, though a very important one. Some lawyers, and careful ones too, hold that a man has no more right to drill a well for oil or gas in a town, near residence houses or other buildings, than he has to locate a powder magazine in such a place; that such work is equally as menacing as stored powder would be, and that a bond to indemnify in case of disaster does not cover the case, as indemnity could not be accepted as sufficient in case of loss of life. There is no doubt that drilling oil wells in towns is a great nuisance to many who are not financially interested. Some nice residence towns have been almost ruined for residence purposes, and only a small proportion of the inhabitants benefited thereby, so that the Sewickleys had good cause for apprehension as the drillers drew nigh them in their operations.

A case is reported from Little Washington in which a man sold a lot to another and inserted in the deed a clause to prevent the buyer from having the lot drilled for oil on the ground of its being a nuisance. After all had been settled the seller had a well drilled on a lot adjoining the one he had sold. The buyer was furious, but it seems the case was not carried into court. Some lawyers hold that he had a good case against the man he bought from.

READY FOR DECEMBER TERM.

Some Figures Showing the Rapid Work in Criminal Court.

Yesterday was the last day for jury trials in the Criminal Court this term. Next week the argument list will be taken up and the December term will open the first Monday in December. A large amount of work was disposed of and the term was the largest for years. There were 11 1/2 weeks of court and 635 cases were disposed of, an average of 55 1/2 per week, or 9 1/4 a day. There were 18 homicide cases disposed of, an increase of 8 over the September term of 1890. But 28 days were occupied in trying the 18 murder cases, which was an unusually rapid disposition. Two persons were convicted of murder in the first degree, Patrick Fitzpatrick and Frank Gerade; six were convicted of murder in the second degree, five of man-

slaughter and two of accessory to murder. The jury disagreed in one case of accessory, Mrs. Clark, and there was one plea of guilty to involuntary manslaughter. Six were acquitted of murder and one of being an accessory. Three of those acquitted were in cases in which the principals were convicted, and two others were in one case. There were 332 bills laid before the grand jury and 686 true bills were returned. With 45 cases left from the previous term there were 711 cases to be heard.

Legal Grubs Swept Up. HENRY FOSBROOK yesterday entered suit against Charles and Mina Eppenberd for damages for slander.

In Criminal Court yesterday, Wm. Craig was acquitted of charge of stealing a pair of topcoats and cutters from R. L. Kent, at Verona.

The jury is out in the case of August and Wm. M. Depp, of Ohio Township, charged by John M. Staub with nuisance in obstructing a public highway.

The jury is out in the case of William Smith against the Keystone Land Company for damages for injury to a stable caused by a wall falling against it.

J. L. BRUCE, yesterday was appointed commissioner in the divorce case of Annie Wecker vs. Andy Wecker. Walter Lindsay was appointed in the case of Melissa Harding vs. Joshua T. Harding.

In the suit of Samuel Bowman against the Central Traction Company for damages for injuries resulting from a fall caused by a car starting too soon as he was getting off, a verdict was given yesterday for \$188 for the plaintiff.

The suit of John Stiebbe and wife against John Nelson and B. F. Lawn executor, to recover fire coal taken from plaintiffs' land, a verdict was given yesterday for \$80 for the plaintiffs as against Lawn, and for the defendant as to Nelson.

A BILL in equity was filed yesterday by Mrs. Sarah O'H. Herron against E. T. Sasse. It was stated that the plaintiff leased a farm of 10 acres in Pine township to Sasse. The latter is about to move and threatens to remove outbuildings, fences, etc., from the place, and the Court was asked to restrain him from so doing. A preliminary injunction was granted.

The suit of Lizette Huckel and Mrs. E. P. Malone against the Pittsburgh and Lake Erie Railroad Company is on trial before Judge Kennedy. The case is an action for damages. The plaintiffs purchased round trip tickets to Alliquippa. On the return trip the conductor claimed their tickets were not good on that train and they were compelled to walk a considerable distance to the city.

An extended popularity. Brown's Bronchial Troch has for many years been the most popular article in use for relieving coughs and throat troubles.

A Crash in Plates. Owing to a fall of our plate shelves in our warehouse a great many of our new and choice plates were broken. We offer for a few days only the broken dozens at half regular price. These goods are all fresh, new goods of this year's importation, and comprise plates for any course in Coalport, Crown Derby, Royal Worcester, Doulton, and in fact, any of the well known fine goods, such as we carry in stock. The sale commences Friday morning, November 27, and will last only a few days owing to the holidays. Early buyers will get choice bargains at Reizenstein's, 123, 124, 126 Federal street, Allegheny.

REAL ESTATE SAVINGS BANK, LIM. 401 Smithfield Street, Cor. Fourth Avenue. Capital, \$100,000. Surplus, \$75,000. Deposits of \$1 and upward received and interest allowed at 4 per cent.

MINNEHAHA flour makes a loaf of bread that is good to eat and good to look at—both for the people who like dainty, thin slices and for folks who love big, thick, motherly slices.

HAVE your photograph taken by R. L. H. Dabbs, and get the best possible likeness.

BARGAINS in military cape newmarkets, \$10, \$12 and up, at Rosenbaum & Co.'s.

ANOTHER WILL VOID.

New York's Law Is Not Favorable to Charitable Trusts.

THE OGDEN BEQUEST IS INVALID.

An Additional Quarter of a Million Dollars for Relatives.

PROPERTY ELSEWHERE NOT AFFECTED.

SPECIAL TELEGRAM TO THE DISPATCH.

NEW YORK, Nov. 25.—A clause of the will of William B. Ogden, the first Mayor of Chicago, who was extensively interested in the railways about that city, providing for the distribution of about \$321,000 to charities, has been declared void so far as it was intended to affect property in this State, by Justice Patterson, of the Supreme Court. In so much as the bulk of the estate of \$5,000,000 left by the decedent, however, is in Wisconsin and Illinois, where the clause of the will is said by the defendants to be valid, the purpose of the testator, toward which the trustees and executors have already expended \$31,000 will probably be carried out.

Mr. Ogden was in the 70's when he died on August 3, 1877, leaving a widow, but no children. He had gone from here to Chicago, where he made his fortune, but returned to live in this city about ten years before his death. He divided his estate into 20 parts by his will, leaving all but one and a half parts to his wife and relatives.

Some of the Income Devoted to Charity. He directed that the income of the one and a half shares should be devoted to such charitable purposes as a majority of his executors and trustees should select during the lives of his widow, Marianna A. Ogden, and his brother-in-law, Edward L. Sheldon.

At the death of the survivor the principal was to be applied to charitable purposes at the discretion of the executors and trustees. Any portion not so applied to charitable purposes they were empowered to distribute among any of the relatives of the decedent who were in need.

Justice Patterson holds that the trust is void under the law of this State, because there is no beneficiary provided for who could enforce it. Such money as has been set aside to carry out the trust, he decides, must be distributed as if the decedent died intestate.

Lands in Other States Unaffected.

He decides, however, that the reinvested proceeds of the sale of lands in other States retain their legal character of land outside of this State, and are not affected by his decision. He declines to pass on the question of the validity of the trust clause so far as it concerns realty in other States.

Willard Parker Butler, attorney for the five nephews and nieces who contested the validity of the trust clause, said to-day: "The suit was brought on account of a divergence of opinion among the executors and trustees as to the validity of the clause and to secure a fund which, on November 30, 1891, amounted to \$370,000, put in trust. The suit was brought to carry out the trust provision. When the executors made payment of any of the bequests proportionate sums were deducted toward the fund

for charitable purposes. In this way the \$270,000 accumulated. Our clients waived all claim against the executors and trustees for reimbursement of the \$31,000 they had already devoted to charitable purposes."

The Pennsylvania's Business.

PHILADELPHIA, Nov. 25.—The following is a statement of the business of all lines of the Pennsylvania Railroad Company: All lines east of Pittsburgh and Erie, for October, 1891, as compared with the same month in 1890, show an increase in gross earnings of \$215,259; an increase in expenses of \$378,347; a decrease of net earnings of \$163,088. West of Pittsburgh and Erie for October, 1891, as compared with the same month in 1890, shows an increase in gross earnings of \$302,439; an increase in expenses of \$12,252; an increase in net earnings of \$290,187.

Dr. Graves Pleads Not Guilty.

DENVER, Nov. 25.—When Judge Bisinger's court was called this morning, there was no standing room to be had, so great was the curiosity of men and women to see and hear Dr. Graves plead to the charge of murder. When required to enter his plea the doctor pleaded slightly, but with a firm step walked to the clerk's desk and entered a plea of "Not guilty." The court, not wishing to retain the jurors over Thanksgiving Day, ordered an adjournment of the case until Friday.

A New Brain Wizard Arises.

ATCHISON, Nov. 25.—Reuben Jarvis, a professor in the public schools of Smith Center, Kan., claims that he has discovered chemicals with which he can procure rain every time. He offers to furnish the farmers with their water supply next year at prices far below those of Mr. Melbourne.

WEAK lungs are cruelly racked by a persistent, deep-seated cough, which Dr. Jayne's Expectant may be relied on to cure. You will derive certain benefit from it also if troubled with either asthma or bronchitis.

To the Saloon and Private Trade.

As the season is now at hand for ale and porter, the Straub Brewing Company take pleasure in announcing to the saloon and private trade that they are prepared to fill all orders promptly. We also claim that our celebrated brands of "Pilsener" and "Munich" lager beer cannot be excelled by any brewers of the States. We guarantee our beer to be four and one-half months old and all our goods are made of the very best quality of hops and malt. Ask the saloon trade for it or telephone No. 5038.

THE STRAUB BREWING CO. Corner Main street and Liberty avenue.

THANKSGIVING.

Your Picture Free. And handsomely framed with every dozen. Cabinets, \$1.00. HENDRICKS & CO., No. 68 Federal street, Allegheny.

VERY cheap. All kinds second-hand, first-class sewing machines.

WIEZELER & WILSON MFG. CO., No. 6 Sixth street.

You're Not In It Unless you call on Thanksgiving at Javen's Elite Gallery, 516 Market st. Cabinets, \$1 per dozen.

MOTHERS will find Mrs. Winslow's Soothing Syrup the best remedy for their children.

IRON AND STEEL BUILDINGS,

ROOF TRUSSES, COLUMNS AND GIRDERS.

PITTSBURG BRIDGE COMPANY, Thirty-Eighth St. noll-47d

THE PEOPLE'S STORE. FIFTH AVENUE, PITTSBURG.

A CARPET CHANCE

Never Before Equaled in These Cities!

We commence this week to offer the extraordinary carpet bargains we purchased last week at the greatest carpet auction the world has ever known.

60,000 PIECES } OF CARPETS  
2,000 MILES }  
\$2,500,000 WORTH }

Were sold in 3 days at this sale. WE DIDN'T BUY THEM ALL. We bought what we could, and all that we did buy were in NEWEST DESIGNS AND COLORINGS, FINE QUALITIES AND AT ABSURDLY LOW PRICES.

You Get the Benefit of This. These Carpets Must Be Sold at Once.

THE PRICES WILL DO IT if there's any carpet wisdom in the twin cities.

BRUSSELS CARPETS FROM 39c.

Proportionately Low Prices on All Other Makes.

Moquettes, Ingrains, Tapestries, Etc.

In addition to this purchase extraordinary we offer

ALL CARPET REMNANTS

FROM 1 TO 20 YARDS,

AT A REDUCTION OF FROM 30 TO 50 PER CENT.

ATTEND THIS GREAT CARPET SALE!

It Will Pay to Buy Your Carpets Now for Spring.

CLOSED ALL DAY TO-DAY

CAMPBELL & DICK

81, 83, 85, 87 and 89 FIFTH AVENUE.

EDMUNDSON AND PERRINE'S COMPLETE HOUSEFURNISHING DEPARTMENT STORES.

Advertisement for furniture including a large cylinder secretary bookcase for \$32, a hall rack for \$8.25, a large sideboard for \$15, and a large square extension table for \$8. Includes images of each item.

Advertisement for silver, china, glass and tinware. Features a 12-piece toilet set for \$3.24, a cuspidor for \$2.19, and various other items like tin pie-pans, tin cups, and dinner plates.

Advertisement for ladies' wraps. Shows a woman in a wrap and lists prices for various styles, including a 14.75 wrap and a 13.00 wrap.

Advertisement for carpets. Promotes 'How's This?' Axminster Carpets for \$1.75, Moquette Carpets for \$1.25, and Brussels Carpets for 65c.